

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 8/9/2012

Action Requested By:
Engineering

Agenda Item Type
Select...

Subject Matter:

Modification No. 4 to Agreement with LBYD, Inc. – Civil & Structural Engineers

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with LBYD, Inc. – Civil & Structural Engineers for Redstone Technology Park, Phase I – Infrastructure and Roadway, Project No. 65-08-SP31, by Modification No. 4

10-583, 10-748, 10-1026 & 11-680

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

This modification is a credit for design fees associated with a reduction in scope on the current EUL design contract on Redstone Arsenal. Development of the secure area Package "C" has been temporarily postponed and the remaining design services are not needed at this time for a total modification deductive amount of \$51,450.00. Account No. 05-6500-0811-1005

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 7/23/12

revised 3/12/2012

purp
50
LA 7-20-12

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **8/9/2012**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Modification No. 4**

Document Name: **LBYP-Redstone Technology Park-Project No. 65-08-SP31**

City Obligation Amount: **-(51,450.00)**

Total Project Budget: **\$967,033.00**

Uncommitted Account Balance: **0**



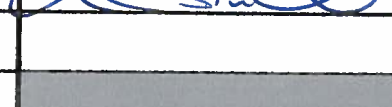
Account Number: **05-6500-0811-1005**

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating		7/23/12
2) Legal		7-23-12
3) Finance		7/24/12
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 12-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized, in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to enter into Modification No. 4 to the Agreement with LBYD, Inc.-Civil & Structural Engineers, adopted and approved on the 22nd day of July, 2010, by the City Council of the City of Huntsville, Alabama by Resolution No. 10-583, and amended on the 23rd day of September, 2010, by Resolution No. 10-748, and amended on the 16th day of December, 2010, by Resolution No. 10-1026, and amended on the 8th day of September, 2011, by Resolution No. 11-680, as attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be and hereby is modified from ONE MILLION EIGHTEEN THOUSAND FOUR HUNDRED EIGHTY-THREE AND NO/100 DOLLARS (\$1,018,483.00) to NINE HUNDRED SIXTY-SEVEN THOUSAND THIRTY-THREE AND NO/100 DOLLARS (\$967,033.00), including this Modification No. 4, a decrease of FIFTY-ONE THOUSAND FOUR HUNDRED FIFTY AND NO/100 DOLLARS (\$51,450.00). Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 4 to Agreement between City of Huntsville and LBYD, Inc.-Civil & Structural Engineers for Engineering Design Services for Redstone Technology Park, Phase I-Infrastructure and Roadway, Project No. 65-08-SP31, as adopted by Resolution No. 10-583 of July 22, 2010, and amended by Resolution No. 10-748 of September 23, 2010, and amended by Resolution No. 10-1026 of December 16, 2010, and amended by Resolution No. 11-680 of September 8, 2011" consisting of a total of four (4) pages and the date of August 9, 2012 appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 9th day of August, 2012.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 9th day of August, 2012.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 4 to Agreement between
the City of Huntsville and LBYD, Inc.-Civil
& Structural Engineers for Redstone
Technology Park, Phase I-Infrastructure &
Roadway, Project No. 65-08-SP31,
as adopted by Resolution No. 10-583 of July
22, 2010, and amended by Resolution No.
10-748 of September 23, 2010, and amended
by Resolution No. 10-1026 of December 16,
2010, and amended by Resolution No. 11-
680 of September 8, 2011

THIS MODIFICATION TO AN AGREEMENT entered in on the 22nd day of July, 2010, and amended on the 23rd day of September, 2010, and amended on the 16th day of December, 2010, and amended on the 8th day of September, 2011, is hereby amended by Modification No. 4 dated August 9, 2012, by and between the CITY OF HUNTSVILLE, ALABAMA, a municipal corporation in the State of Alabama (OWNER) and LBYD, INC.-CIVIL & STRUCTURAL ENGINEERS, (ENGINEER).

WITNESSETH

WHEREAS, the firm identified as the ENGINEER to the Agreement dated July 22, 2010, and amended on September 23, 2010, and amended on December 16, 2010, and amended on September 8, 2011, has proposed a change to the Original Agreement. This modification delineates a change to Package 1C within the contract which had \$73,500.00 allocated to its design. All remaining work at this time on Package 1C is being eliminated by mutual consent because of delays in the development of the secure area of Redstone Gateway. The design work on Package 1C is partially complete and has been paid at \$22,050.00; therefore, this deductive modification will be \$51,450.00.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Owner and the ENGINEER agree to the following modifications to the agreement:

1. LBYD, Inc.-Civil & Structural Engineers will provide for credit for design fees at a lump sum total contract amount of FIFTY-ONE THOUSAND FOUR HUNDRED FIFTY AND NO/100 DOLLARS (\$51,450.00).
2. Item #1 shall be performed in accordance with the original agreement dated July 22, 2010, and approved by the City Council by Resolution No. 10-583.

President of the City Council of the City of
Huntsville, AL
Date: August 9, 2012

3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract as modified previously.
4. All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle
Its Mayor

ATTEST:

Charles E. Hagood
City Clerk-Treasurer

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the ____ day of _____ 2012.

Notary Public
My Commission Expires: _____

ENGINEER: LBYD, INC. CIVIL &
STRUCTURAL ENGINEERS

By: _____

Richard A. Nail

ATTEST:

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Richard A. Nail, as Senior Principal, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the 23rd day of July 2012.

Margaret A. Brown
Notary Public

My Commission Expires: 3/24/15